

CASE NO. 5:21-CV-225-BO

Defendants,

**PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTION TO
EXTEND DISPOSITIVE MOTION
DEADLINE**

NOW COMES Plaintiff, by and through undersigned counsel, and files this Response opposing Defendants' Motion to Extend the Deadline for Filing Dispositive Motions pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and in support of this motion, Plaintiff shows the Court as follows:

1. On May 17, 2021, Plaintiff filed a complaint in this case. [DE 1]
2. On August 6, 2021, Defendants filed their Answer to Plaintiff's Complaint. [DE 8]
3. On September 16, 2021, this Court issued a discovery plan based on the parties joint Rule 26(f) report. [DE 11]
4. On October 8, 2021, this Court appointed Asa L. Bell, Jr. as mediator in this matter [DE 14].
5. On March 8, 2022, the Parties filed a Joint Motion to Extend the Case

Management Deadlines based in part in Plaintiff's Counsel transitioning to a new law firm. [DE 16]

6. On June 28, 2022, the Parties filed a second Joint Motion to Extend the Case Management Deadlines based in part on discussions of a global settlement and conducting a mediation. [DE 18] This motion was granted on July 5, 2022 [DE19].

7. On July 28, 2022, the Parties filed a Joint Motion to Substitute the Mediator which was granted by this Court. [DE 20, 21]

8. Mediation took place on August 17, 2022 and was held open until September 14, 2022. **Exhibit 1.** The mediator scheduled a call for September 2, 2022, and counsel for Plaintiff attended the call; counsel for Defendant did not. The mediator declared an impasse in her report submitted September 14, 2022.

9. Counsel for Defendant stated in his motion that he was optimistic the matter would settle. Counsel for Plaintiff is not optimistic the matter will settle as there has been ample time for this case to settle if it were going to do so.

10. Counsel for Plaintiff served discovery requests on counsel for Defendants on April 20, 2022. **Exhibit 2. No response** has been received by counsel for Plaintiff, despite an email on August 5, 2022, from counsel for Defendants that a response would be forthcoming. **Exhibit 3.** This outstanding discovery will be the subject of a separate motion to compel.

11. Despite not having responded to Plaintiff's discovery requests, on July 28, 2022, counsel for Defendants served discovery requests on counsel for Plaintiff to which responses were provided by Plaintiff.

11. Defendants have had ample time to resolve this case, draft a motion for summary judgment, or move to extend all necessary deadlines prior to this request. Moreover, Defendants failure to respond to Plaintiff's discovery requests is clearly prejudicial to Plaintiff in responding to any dispositive motion that Defendant seeks to file if his motion to extend the deadline is granted.

12. Defendants' motion is not being filed for the purpose of efficiently and effectively litigating this matter, because Defendants have had Plaintiff's discovery requests since April and still have not responded to them, despite have propounded their own discovery requests to which Plaintiff has responded. The motion is not being filed in good faith because Defendants have not responded to Plaintiff's discovery requests and now seek to file a dispositive motion which Plaintiff will be unable to respond to appropriately because Plaintiff has been denied discovery by Defendants.

13. Any extension of the time to file dispositive motions will greatly and obviously prejudice Plaintiff because Defendants have not responded to her discovery requests.

WHEREFORE, for the reasons set forth above, for the good cause shown, Plaintiff respectfully requests that the Court deny Defendants' motion requesting an extension of the dispositive motion.

Respectfully submitted, this the 30th day of September 2022.

/s/ VALERIE L. BATEMAN
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO EXTEND THE TIME FOR FILING DISPOSITIVE MOTIONS** was served by filing the document electronically via the CM/ECF system, which will send notification of such filing to all counsel of record.

This the 30th day of September 2022.

/S/ VALERIE BATEMAN
NEW SOUTH LAW FIRM
Counsel for Plaintiff